



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

Senate: DP 6-2-0-0 | 3rd Read 17-13-0-0

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## **SCR1044: tuition; postsecondary education**

**Sponsor: Senator Boyer, LD 20**

**House Engrossed**

### **Overview**

Provides, subject to voter approval, that a person without lawful immigration status is eligible for in-state tuition if specified criteria are met.

### **History**

Currently, a person who was not a citizen or legal resident of the United States or who is without lawful immigration status may not be classified as an in-state student or as a county resident ([A.R.S. § 15-1803](#)). Additionally, any person who is not a U.S. citizen, is without lawful immigration status and is enrolled as a student at any university under the jurisdiction of the Arizona Board of Regents (ABOR) or at any community college may not receive tuition waivers, fee waivers, grants, scholarship assistance, financial aid, tuition assistance or any other type of financial assistance that is subsidized or paid in whole or in part with state monies ([A.R.S. § 15-1825](#)). Any person who is not domicile within Arizona is not eligible for classification as an in-state student for tuition purposes ([A.R.S. § 15-1802](#)).

Statute defines *state or local public benefit* as having the same meaning prescribed in [8 U.S.C. § 1621](#), except that it does not include commercial or professional licenses, benefits provided by the public retirement systems and plans of this state or services widely available to the general population as a whole ([A.R.S. § 1-502](#)).

### **Provisions**

1. Stipulates, subject to voter approval, that a student is eligible for in-state tuition at any university under the jurisdiction of ABOR or at any community college if the student:
  - a) Is not a nonimmigrant alien;
  - b) Attended any public or private high school option or homeschool equivalent while physically present in Arizona for at least two years; and
  - c) Graduated from any public or private high school option or homeschool equivalent while physically present in Arizona or obtained a high school equivalency diploma in Arizona. (Sec. 2)
2. Specifies, subject to voter approval, a person without lawful immigration status is eligible for in-state tuition if the person meets the prescribed criteria. (Sec. 2)
3. Repeals, subject to voter approval, statute that:
  - a) States that a person who was not a citizen or legal resident of the U.S. or who is without lawful immigration status is not an in-state student or county resident;
  - b) Prohibits a person who is not a U.S. citizen, is without lawful immigration status and is enrolled as a student at any university under the jurisdiction of ABOR or at any community college from receiving any state-subsidized financial assistance;
  - c) Requires each community college and university to biannually report to the Joint Legislative Budget Committee (JLBC) the total number of students who were entitled to

classification as an in-state student and who were not entitled to classification as an in-state student because the student was not a citizen or legal resident of the U.S. or is without lawful immigration status; and

- d) Mandates each community college and university biannually report to JLBC the total number of students who applied and were not entitled to any type of state-subsidized financial assistance because the student was not a citizen or legal resident of the U.S. or is not lawfully present in the U.S. (Sec. 2, 3)
- 4. Excludes, subject to voter approval, *postsecondary education* from the definition of *state or local benefit*. (Sec. 1)
- 5. Requires the Secretary of State to submit the proposition to the voters at the next general election. (Sec. 3)
- 6. Makes technical changes. (Sec. 1, 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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